

REMARKS

Claims 1 through 25 and new Claim 26 are pending in the application.

Claims 1 and 25 have been amended to emphasize advantageous food casings in which the protein-containing coating contains a maximum of 5% by weight cellulosic. Support for this amendment can be found in the Application-as-filed, for example on Page 6, lines 25 through 30.

Claims 1 and 25 have also been amended to emphasize advantageous food casings in which if the coating contains water-soluble protein then the coating further includes at least one compound that crosslinks the protein. Support for this amendment can be found in the Application-as-filed, for example on Page 8, lines 1 through 3.

Claim 6 has been amended to correct a grammatical error.

Claim 10 has been amended to depend from Claim 8. Support for this amendment can be found in the Application-as-filed, for example on Page 7, lines 18 through 25.

Claim 24 has been amended to depend from Claim 23. Support for this amendment can be found in the Application-as-filed.

Claim 26 has been added to complete the record for examination and highlight advantageous embodiments of the invention. Claim 26 is directed to advantageous food casings in which the fraction of protein in the coating is 75 to 95 % by weight. Support for Claim 26 can be found in the Application-as-filed, for example on Page 7, lines 13 through 16.

Reexamination and reconsideration of this application, withdrawal of all rejections, and formal notification of the allowability of the pending claims are earnestly solicited in light of the remarks which follow.

Section 112 Rejection

Claims 10 and 11 stand rejected over a lack of antecedent basis for the recitation "further natural or synthetic polymer." Claim 10 has been amended to depend from Claim 8, as kindly suggested by the Examiner. As noted above, support for this amendment can be found in the Application-as-filed.

Accordingly, Applicants respectfully request withdrawal of the foregoing rejection.

Claim 24 stands rejected as indefinite. Claim 24 has been amended to depend from Claim 23, as kindly noted by the Examiner, thereby correcting a typographical error. As noted above, support for this amendment can be found in the Application-as-filed.

Accordingly, Applicants respectfully request withdrawal of the foregoing rejection.

The Claimed Invention is Patentable

in Light of the Art of Record

Claims 1 through 17 and 19 through 25 stand rejected in light of United States Published Application No. 2002/0064580 (US 580) to Gord et al. Claims 1, 17 and 18 stand rejected as anticipated by United States Patent No. 5,955,126 (US 126) to Jon et al.

It may be useful to consider the invention as recited in the claims before addressing the merits of the rejection.

In contrast to conventional extruded-cellulose casings, the present invention is directed to casings incorporating a protein-coated fabric or porous-film reinforcement. In advantageous embodiments, the coating, which includes at least one film-forming protein, further includes a maximum of 5% by weight cellulosic. If the film-forming protein is water-soluble, the coating also incorporates at least one compound to crosslink the protein, as recited in the claims as-amended.

In particularly advantageous embodiments, the reinforcement is a consolidated nonwoven or spunbonded fabric, a woven fabric, loop-formingly knitted fabric, loop-drawingly knitted fabric, laid fabric or a porous film, as recited in Claim 2.

In especially beneficial aspects, the fraction of protein in the coating is 75 to 95 % by weight, as recited in newly added Claim 26.

The cited references do not teach or suggest the claimed invention.

As correctly noted by the Examiner, US 580 is directed to cellulose-based food casings, particularly cellulose-based food casings obtained in an amine oxide process. [0017]. In the process, a solution of cellulose in a monohydrate of N-methyl-morpholine-N-oxide (NMMO) is prepared, a surface-modifying additive and an internal-structure-changing additive are added to the solution and the mixture is then shaped into a tubular casing. [0013 and 0027]. The surface-modifying additive may be selected from any of a generic list, including paraffin, and is present in amounts as low as 0.2 % by weight . [0014 and 0020] In contrast, the cellulose-based casings include at least 50% by weight of cellulose or cellulose derivatives. [0018] The cellulose-based casings may optionally be reinforced with “fiber paper, ” such as the hemp paper noted by the Examiner. [0018 and 0039].

US 580, directed to cellulose casings incorporating any of a number of surface-modifying additives, does not teach or suggest coated casings in which the coating contains a maximum of only 5% by weight cellulosic, much less such coatings further incorporating at least one film-forming protein, as recited in the claim as-amended.

US 580, silent as to any cross-linking of its surface modifier, further does not teach or suggest such coatings containing water-soluble protein and at least one compound which crosslinks the film-forming protein, as reflected in the claims as-amended.

US 580, teaching optional reinforcement with “fiber paper,” also does not teach or suggest advantageous food casings incorporating a consolidated nonwoven or spunbonded fabric, a woven fabric, loop-formingly knitted fabric, loop-drawingly knitted fabric, laid fabric or a porous film reinforcement, as recited in Claim 2.

And US 580, directed solely to cellulosic-casings, can not teach or suggest the advantageous inventive food casings in which the fraction of protein in the coating is 75 to 95 % by weight, as recited in newly added Claim 26.

Accordingly, Applicants respectfully submit that the claimed invention is patentable in light of US 580, considered either alone or in combination with the remaining art of record.

US 126 likewise fails to teach or suggest the claimed invention.

US 126 is directed to self-coloring food casings, which may be formed from either cellulose or any of a number of synthetic polymers, with regenerated cellulose casings being preferred. (Col. 10, lines 18 - 38). US 126 similarly notes that its casings may include a paper reinforcement. (Col. 4, lines 4 – 7). The casings of US 126 incorporate a transferable coating that contains a bixin colorant. (Col. 9, lines 8 – 11). The transferable colorant coating further includes a soluble film-forming agent selected from any of a generic list of materials, with

cellulose ether preferred. (Col. 8, lines 16 – 23). US 126 expressly notes that moisture solubilizes the film forming agent, thereby releasing the bixin dye pigment during subsequent processing. (Col. 12, lines 55 - 62). In fact, the soluble film forming agent is noted on several occasions as performing a transfer/release function for the colorant. (Col. 13, line 65 – Col. 14, line 2). Applicants respectfully submit that the film forming agent thus remains soluble over the life of the casing to perform its required release of bixin.

US 126, requiring its film forming agent to remain soluble over the life of the casing, does not teach or suggest coatings containing either insoluble protein or water-soluble protein and at least one compound which crosslinks the water-soluble protein, as reflected in the claims as-amended. Applicants respectfully submit that to modify US 126 so as to eliminate the required solubility of the film former would render US 126 unfit for its intended purpose as a color transfer casing.

As indicated by the Examiner, US 126, teaching optional reinforcement with “fiber paper,” further does not teach or suggest advantageous food casings incorporating a consolidated nonwoven or spunbonded fabric, a woven fabric, loop-formingly knitted fabric, loop-drawingly knitted fabric, laid fabric or a porous film reinforcement, as recited in Claim 2.

And US 126, can not teach or suggest the advantageous inventive food casings in which the fraction of either insoluble or cross-linked protein in the coating is 75 to 95 % by weight, as reflected in newly added Claim 26.

Accordingly, Applicants respectfully submit that the claimed invention is likewise patentable in light of US 126, considered either alone or in combination with the remaining art of record.

Consideration of Previously Submitted

Information Disclosure Statement

It is noted that an initialed copy of the PTO/SB/08A that was submitted with Applicants' Supplemental Information Disclosure Statement filed May 31, 2006 has not been returned to Applicants' representative with the Office Action. Accordingly, it is requested that an initialed copy of the PTO/SB/08A form be forwarded to the undersigned with the next communication from the PTO. In order to facilitate review of the references by the Examiner, a copy of the Supplemental Information Disclosure Statement and the PTO/SB/08A form are attached hereto. Copies of the cited references were provided at the time of filing the original Information Disclosure Statement, and, therefore, no additional copies of the references are submitted herewith. Applicants will be pleased to provide additional copies of the references upon the Examiner's request if it proves difficult to locate the original references.

CONCLUSION

It is respectfully submitted that Applicants have made a significant and important contribution to the art, which is neither disclosed nor suggested in the art. It is believed that all of pending Claims 1 through 26 are now in condition for immediate allowance. It is requested that the Examiner telephone the undersigned if any questions remain to expedite examination of this application.

It is not believed that extensions of time or fees are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time and/or fees are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required is hereby authorized to be charged to Deposit Account No. 50-2193.

Application No.: 10/580,976

Filing Date: May 31, 2006

Page: 12

Respectfully submitted,

Cathy Moore

Cathy R. Moore

Reg. No. 45,764

ProPat, L.L.C.

425-C South Sharon Amity Road

Charlotte, NC 28211-2841

Telephone: (704) 365-4881

Fax: (704) 365-4851

Customer No. 38263

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office PAIR System on December 22, 2008.

Claire Wygand

Ms. Claire Wygand

10/580976

Attorney Docket No.: 03/102K
Customer No. 38263

AP20 Rec'd PCT/PTO 31 MAY 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK
OFFICE PATENT OPERATIONS

In re: FOEGLER *et al.*

International Application No.: PCT/EP2004/012769

International Filing Date: November 11, 2004

For: *Internally Reinforced Tubular Food Casing Containing Protein*

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-145

Charlotte, North Carolina
May 31, 2006

Dear Sirs:

Pursuant to 37 CFR §§ 1.56 and 1.97 *et seq.*, Applicant hereby submits the attached Form(s) PTO/SB/08A and the references listed thereon. The relevancy of each reference is disclosed in the attached International Search Report.

Applicant certifies, pursuant to Rule 1.97 (e), each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.

This submission does not represent an admission that each or all of the listed documents are material or constitute "prior art." Applicant respectfully requests that each reference be reviewed and made of record in the instant application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-2193.

Respectfully submitted,

Cathy Moore

Cathy R. Moore,
Reg. No. 45,764
ProPat, L.L.C.
425-C South Sharon Amity Road
Charlotte, North Carolina 28211-2841
Telephone (704) 365-4881

AP2004/PTO 31 MAY 2006

PTO/SB/08A				Complete if Known 20/580976	
Substitute for Form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT				International Application Number	PCT/EP2004/012769
				International Filing Date	November 11, 2004
				First Named Inventor	FOEGLER
				Group Art Unit	
				Examiner Name	
Sheet	1	Of	1	Attorney Docket Number	03/102K

U.S. PATENT DOCUMENTS							
Examiner Initials'	Cite No.	U. S. Patent No.	Kind Code	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Class	Sub class
		4,142,013		Hammer	02/27/1979	A22C	13/00
		2002/0064580		Gord et al.	05/30/2002	A22L	1/315

FOREIGN PATENT DOCUMENTS									
Examine r Initials'	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Class	Subclass	T6
		Office Number	Kind Code						
		DE	44 18 368	A1	Towa Kako Co., Ltd	12/01/1994	A22C	13/00	
		EP	0 914 772	A2	Viskase Corp.	05/12/1999	A22C	13/00	X
		GB	1 544 155	A2	Fuji Oil Co. Ltd.	04/11/1979	A22C	13/00	X
Examiner Signature				DATE CONSIDERED					

IDS in Epo rpt